IV2256660

Table of Contents

INTERNAL AFFAIRS BUREAU **IV2256660**
INVESTIGATIVE SUMMARY

Subject: **Guerrero, Salvatore Deputy, Employee** [redacted]

Unit: **Walnut Station, Region III**

Date: **November 23, 2009**

Location: [redacted]

It is alleged that on November 23, 2009 , Deputy Salvatore Guerrero was in violation of MMP 3-01/000.10, Professional Conduct, MPP 3-01/030.05, General Behavior, MMP 3-01/030.07, Immoral Conduct, and MMP 3-01/030.10(a), Obedience to Laws, Regulations and Orders.

This case involved the off duty conduct of Deputy Salvatore Guerrero and that he allegedly sexually battered [redacted] on November 23, 2009 at approximately 0930 hours, while in the City of Walnut.

At approximately 0300 hours that date, a call was dispatched to [redacted]. Subject Salvatore Guerrero, Deputy Alexander Ayala and Field Sergeant Michael Galvan responded to the call at Witness [redacted] home. The call was regarding a family dispute. After a several moments, the dispute was resolved and deputies left the location.

Sometime after 0800 hours the same morning, Subject Guerrero returned to the residence on [redacted] dressed in his civilian attire, driving his personal vehicle, clearly off duty. Subject Guerrero spoke with Witness [redacted], Witnesses [redacted] and [redacted] He gave her and her [redacted] his business cards on which he wrote his personal cell phone number. Subject Guerrero offered to take Witness [redacted] to breakfast. Witness [redacted] felt compelled to go with Subject Guerrero because she is [redacted] and wanted her [redacted] to believe she was trying to get better. Subject Guerrero drove Witness [redacted] around in his vehicle for approximately one hour. During the drive, Subject Guerrero stopped at two different parks while having a personal conversation with her about her previous boyfriends and the living situation with her [redacted]. While in his vehicle, Subject Guerrero held her hand and touched Witness [redacted] on her head, neck and upper thigh and told her he wanted to be with her. Subject Guerrero parked at these two separate parks because he said they were not private enough. He did not take her to breakfast and they returned to the [redacted] residence.

Once back at the [redacted] residence, Subject Guerrero entered the home and sat next to Witness [redacted] on her livingroom couch. Subject Guerrero hugged Witness [redacted] three separate times even though Witness [redacted] pushed him away. As she pushed Subject Guerrero away, he deliberately touched her right breast on top of her clothing. Witness [redacted] feigned that she had to use the restroom in an attempt to distance herself from

Subject Guerrero. Witness [redacted] was then pressured by her [redacted] to give Subject Guerrero her cell phone number as he was leaving their home. Witness [redacted] felt compelled to give him her number. Subject Guerrero left the location minutes later. Later in the afternoon, Subject Guerrero text messaged Witness [redacted] asking her if she liked bowling, plays or movies. Witness [redacted] did not show interest in these type of events and ended the text conversation with him.

Subject Guerrero returned to the [redacted] residence the following day, November 24, 2009, sometime after 0800 hours, while off duty. Subject Guerrero offered to take Witness [redacted] to breakfast and a walk on the beach. Witness [redacted] told her [redacted] about the alleged assault on the previous day and her [redacted] (Witness [redacted] told Subject Guerrero that her daughter did not want to go with him. Witness [redacted] did not leave with Subject Guerrero on this day.

Witness [redacted] was uncomfortable with the situation and feared Subject Guerrero would return to her home and hurt her or her family. She wrote a letter and brought this to the attention of The Department on November 27, 2009.

> **IAB NOTE: For a copy of Witness [redacted] letter, refer to Exhibit A, page 12.**

> **IAB NOTE: For a copy of Witness [redacted] "T-mobile" cell phone bill and text messages received, refer to Exhibit A, page 13.**

Civilian Witnesses

[redacted] was interviewed by ICIB Sergeant Scott Craig and Sergeant Albert Leyva on November 27, 2009 at approximately 1915 hours. The interview took place at [redacted] and was digitally recorded. The following is a summary.

Witness [redacted] said that on November 27, 2009 at 1500hrs, she went to Walnut Station. She said she presented a letter to the Watch Commander, Sergeant Roberto Causey, that she had written. The letter explained how she came in contact with deputies at her home and the actions of Subject Guerrero afterwards. She said on November 23, 2009, at approximately 0300hrs, deputies came to her home on [redacted] because of a dispute between her and her [redacted] She described one deputy as a male, 40-45 years old, 5'9", stocky (approximately 210lbs.), having a mustache, a full head of hair, wearing a "police uniform." She did not see his name tag or know this deputy's name. She admits there may have been other deputies at her home but she could not recall. She said she did not make the call to Walnut Station that night, she believed it was her [redacted] who called. Witness [redacted] said she was placed in the back of a patrol car while the situation was resolved. The dispute was settled for the night and deputies left the location.

> **IAB NOTE: According to the Walnut Station 911 call voice print, Witness [redacted] was the one who made the call. Refer to Lucid job #31012.**

IAB NOTE: Witness [redacted] said she only remembered one patrol car and was not certain if she saw any other deputies besides Subject Guerrero at her home at the time of the dispatched call. The Walnut Station call log showed at least one other assisting deputy at the location and one sergeant, therefore there obviously were more patrol vehicles, refer to call logs Exhibit A, pages 16 & 23.

Witness [redacted] said that at approximately 0930 hours the same morning, the same described deputy returned to her home. Her [redacted] answered the door. She saw the deputy (identified as Subject Guerrero) talking to her parents and giving them his business card. He gave her [redacted] Witness [redacted] a business card on which she saw him write his personal cell phone number on the back of it. Witness [redacted] said Subject Guerrero was not in uniform, he was wearing "lay person's" clothing. He offered to take them to breakfast. She agreed to leave with Subject Guerrero alone because she is [redacted] and wanted to show her parents that she was trying to get better. She left with him in what she believed was a light gray Nissan four door vehicle with wood grain interior. Witness [redacted] said she rode in the front passenger seat and no one else was in the vehicle with them. She said she was crying so badly that they did not end up going to breakfast. She said Subject Guerrero parked at two different locations that appeared to be park like settings and that had a view of the city. She said each time they parked, Subject Guerrero said there were too many people around. She said during the drive Subject Guerrero asked her about her previous boyfriends and her living situation with her [redacted]. He also asked her what she liked to do for fun.

IAB NOTE: For a copy of the business card given to Witness [redacted] by Subject Guerrero, refer to Exhibit A, page 17.

Witness [redacted] said during the drive, she was crying and that Subject Guerrero interlaced her fingers with his fingers. She pulled away and he began touching her head, hair, neck and left thigh. Subject Guerrero told her that her really cared and wanted to be with her. She said she "blew off his comments" in hopes that he would not bring them up again. She said she felt uncomfortable. Witness [redacted] admits that she did not have on any underwear or a bra and was wearing sweat pants and a sweatshirt. She said that she normally does not wear any under garments.

Witness [redacted] said they returned to her house after driving around, without going to breakfast. She said her [redacted] Witness [redacted] allowed Subject Guerrero into their home once they arrived. She said she and Subject Guerrero sat on the livingroom couch next to each other. Her [redacted] remained in the home and her [redacted] was gone to work. She said she was still very upset and crying. Subject Guerrero told her she needed a hug and insisted that she give him a hug. She admits she initially gave him a quick "pat hug" but then had to push him away. She said he tried to hug her three times and she had to push him away each time. The last time she pushed him away, she felt his left hand slide around from her back and glide against her right breast. She said his hand "lingered" on her breast, on top of her clothing for a few seconds. Witness [redacted] said she then used the excuse that she had to go to the restroom just to get away from the situation and left the

room. Witness [redacted] said she returned the diningroom area where Subject Guerrero was talking with her [redacted] Her [redacted] urged her to give Subject Guerrero her telephone number, which she did. Subject Guerrero offered to pick her up the next day (November 24, 2009) at 0800 hours to take her to breakfast and for a walk on the beach. Subject Guerrero then left their home that day. Witness [redacted] believes that Subject Guerrero was with her that morning from approximately 0930 to 1050 hours.

Later the same day, Subject Guerrero sent a text message to Witness [redacted] that specifically represented himself as "her deputy friend" when he was not on duty. Subject Guerrero also sent a text message again asking what she liked to do for fun.

> **IAB NOTE: Witness [redacted] seemed very confused on how long she and Subject Guerrero were parked at each location and thought they may have parked a third time.**

> **IAB NOTE: Witness [redacted] memory during the interview was very sporadic, she talked about things as she remembered but not in sequence, this summary was written in sequence of events, refer to Witness [redacted] transcribed interview for further.**

Witness [redacted] said that Subject Guerrero returned to her home the following morning, November 24, 2009 at approximately 0830 hours. She said her [redacted] answered the door. Witness [redacted] was not sure whether it was her [redacted] or [redacted] who told Subject Guerrero she did not want to go with him. She did not know if he was in uniform due to her being asleep that morning.

Witness [redacted] said she believed that Subject Guerrero wanted to be with her in a romantic situation and that his whole demeanor seemed like he was on a "first date" with her. Witness [redacted] reiterated that she was afraid of and intimidated by her [redacted] who pressured her to go with Subject Guerrero. She did not want her [redacted] to think that she was refusing help for her [redacted]. She said she has been [redacted] with [redacted] since 2004 and she takes daily medications. Witness [redacted] was a [redacted] and has a Masters of Science Degree from University of Southern California.

Witness [redacted] said at no time did she give Subject Guerrero permission to touch her. She said the whole situation made her really afraid because Subject Guerrero seemed "so confident and comfortable doing the touching and almost too familiar with the whole context of everything that happened."

On November 27, 2009, Sergeant Craig attempted to have Witness [redacted] make a pretext phone call to Subject Guerrero but there was no answer, the call went to voice mail.

> **IAB NOTE: Refer to Witness [redacted] transcribed interview for further.**

On January 12, 2010, at approximately 1000 hours, Sergeant Craig conducted a photographic line up with Witness [redacted] Witness [redacted] was not able to identify Subject Guerrero out of the six similar photographs.

> **<u>IAB NOTE:</u> For a copy of Witness [redacted] photographic line up admonition and the photographic line up, refer to Exhibit A, pages 24 & 25.**

[redacted] was interviewed by ICIB Sergeant Scott Craig and Sergeant Albert Leyva on December 2, 2009 at approximately 1405 hours. The interview took place at Walnut Station and was digitally recorded. The following is a summary.

Witness [redacted] said his [redacted] Witness [redacted], called for deputies on the morning of November 23, 2009. He said she locked her keys in her bedroom and was very upset that they did not have a spare key. He recalls approximately three or four male deputies coming to their home. The situation was resolved and they went to bed after the deputies left.

Witnes[redacted] said at approximately 0800 hours, one of the deputies returned to his home wearing "street" clothes, no uniform. He answered the door and received a business card with a number written on the back from the deputy (identified as Subject Guerrero). He[redacted] said Subject Guerrero asked if everything was ok and seemed like he cared. Witness [redacted] said he invited Subject Guerrero inside his home. Subject Guerrero went inside but Witness [redacted] was called away by a phone call from Witness [redacted] which he took outside on the back patio. Witness [redacted]aid he was outside for approximately 30 minutes. Once he returned inside his home, his [redacted] Witness [redacted] told him that Witness [redacted]eft for breakfast with Subject Guerrero. Witness [redacted] said he did not see them leave the location. He then left for work.

Witness [redacted] said he returned home from work at approximately 2100 hours. His [redacted] told him that Witness [redacted] and Subject Guerrero did not go to breakfast, they parked a little bit and he brought her back home. His [redacted] told him Subject Guerrero wanted to take Witness [redacted] to Long Beach the following morning after he got off of work to walk and talk to her. He said his [redacted] did not want to go with Subject Guerrero to Long Beach but did not say why.

The next morning, November 24, 2009, Witness [redacted]aid he waited at home for Subject Guerrero to arrive. He wanted to thank Subject Guerrero for his help. He waited until approximately 0820 hours but had to leave for work. Witness [redacted]aid his wife spoke to Subject Guerrero that morning when he arrived. She thanked him for his help and Subject Guerrero left their home.

Sergeant Craig conducted a photographic line-up with Witness [redacted] Witness [redacted] was able to identify Subject Guerrero as the deputy who came to his home and took his [redacted] out. Witness [redacted]aid deputies had been to his home before the incident on November 23, 2009 but he had not seen Subject Guerrero prior to that morning.

IAB NOTE: **Refer to Witness [redacted] transcribed interview for further.**

IAB NOTE: **For copies of Witness [redacted] photographic line-up admonition and photographic line-up, refer to Exhibit A, pages 19 & 20.**

[redacted] was interviewed by ICIB Sergeant Scott Craig and Sergeant Albert Leyva on December 2, 2009 at approximately 1425 hours. The interview took place at Walnut Station and was digitally recorded. The following is a summary.

Witness [redacted] said she recalled two deputies being at her home in the early morning hours of November 23, 2009. She gave the name "Salvador" as one of the deputies there. She said her [redacted] Witness [redacted] called for deputies that morning due to a problem at the house. Witness [redacted] believed deputies stayed at her home for approximately one half hour, then left.

Witness [redacted] said the deputy (Subject Guerrero) came back to her home after work at approximately 0830 hours. She was confused on the dates but she said he came on Monday then again on Tuesday. She did not remember what type of clothing Subject Guerrero was wearing when he came back in the morning. She did not initially remember his name but read it on the card that Subject Guerrero gave to her and her [redacted] Witness [redacted] did not recall many details about if her [redacted] left with Subject Guerrero or not.

Witness [redacted] remembered her [redacted] saying that Subject Guerrero was going to come back the next day to take her to Long Beach. She said she believed Subject Guerrero was going to help her [redacted] because he was a "policeman". She said Witness [redacted] did not want to go with Subject Guerrero. Witness [redacted] said she encouraged her [redacted] to give Subject Guerrero a chance because she wants her [redacted] to get out and be happy. She and her [redacted] had a discussion about her going with Subject Guerrero the following morning (Tuesday). Witness [redacted] told her she did not want to go with Subject Guerrero and Witness [redacted] agreed to tell him that when he arrived.

Witness [redacted] said Subject Guerrero arrived on Tuesday morning at approximately 0830 hours wearing civilian clothes. Witness [redacted] told Subject Guerrero that her [redacted] was still asleep and that she did not want to go out. Subject Guerrero left their home. She said her [redacted] did not tell her why she did not want to go with Subject Guerrero until Tuesday after he left. Witness [redacted] said her [redacted] told her Subject Guerrero touched her and she believed her. Witness [redacted] said she had never seen Subject Guerrero prior to the morning of the call.

Sergeant Craig conducted a photographic line-up with Witness [redacted] Witness [redacted] was able to identify Subject Guerrero as the deputy who came to her home to see her [redacted]

IAB NOTE: Refer to Witness [redacted] transcribed interview for further.

IAB NOTE: For copies of Witness [redacted] photographic line-up admonition and photographic line-up, refer to Exhibit A, pages 21 & 22.

Law Enforcement Witnesses

IAB NOTE: Sergeant Michael Galvan and Deputy Alexander Ayala were interviewed by Sergeant Scott Craig and Sergeant Todd Weber of Internal Criminal Investigations Bureau. They both acknowledged they responded to the call on [redacted] in the early morning hours of the November 23, 2009. Neither of them were witnesses to the alleged sexual battery. Refer to Sergeant Galvan and Deputy Ayala's transcribed interviews.

IAB NOTE: The other deputy that responded to the dispatched call was Deputy Jesus Mojarro. Upon contacting him, he verified that he was at the call that night. He was outside with Witness [redacted] while she was being detained in a patrol car. He recalled Subject Guerrero was handling the call. Subject Guerrero was inside talking with the parents, then outside talking with Witness [redacted] resolving the matter. He could not recall the conversation but he did not notice anything inappropriate between Witness [redacted] and Subject Guerrero at the time.

SUBJECT INTERVIEW

Subject- Deputy Salvatore Guerrero [redacted] Walnut Station, was interviewed by Sergeant Sonja Bracken and Sergeant Dave Bly on January 6, 2011, at 1050 hours. The interview took place at Internal Affairs Bureau and was digitally recorded. The following is a summary.

Subject Guerrero said he responded to Walnut tag #23 at [redacted] city of [redacted] residence) as an assisting unit. He responded with Deputy Ayala, Deputy Mojarro and Sergeant Galvan. He said Witness [redacted] was having a dispute with her [redacted] He said he first spoke to Witness [redacted] outside, then with her [redacted] inside their home. He said he never searched or touched Witness [redacted] in anyway. The situation was resolved and he and his partners left the location. He said they were at the location for approximately 15 to 20 minutes. Subject Guerrero said he did not give any of the parties a business card at the time of the call.

Subject Guerrero said during the call he was aware that Witness [redacted] was [redacted] He said he had dealt with people with mental health issues from his experience of being a private ambulance driver prior to working for the Department. He said he was not certified in the mental health field nor does he possess a degree in mental health.

Subject Guerrero said he returned to the [redacted] residence because the [redacted] were concerned about their [redacted] Witness [redacted] He said the [redacted] asked him to come back and check on their welfare. The [redacted] were concerned because Witness [redacted] had a knife earlier in the evening, prior to the call. The [redacted] said Witness [redacted] did not threaten them but she had never talked to them while holding a knife before. Subject Guerrero said he agreed to return to their home if he had time. He said he forgot about returning to the [redacted] residence until after he unloaded his patrol car and got dressed to go home after shift. He said he returned the [redacted] residence after his shift but was unsure of what time. He said he went there immediately after his shift which ended at 0600 hours. He said he felt obligated to return to their home to check on the family's welfare.

Subject Guerrero said he did not think about advising anyone at his station that he was returning to the [redacted] residence. His intentions were just to stop by, check on the family's welfare and then to go home. He said he did not have any officer safety concerns. Subject Guerrero said in hindsight, he should have told Walnut Station desk personnel to send a patrol car to the [redacted] residence for a welfare check prior to him leaving the station.

Subject Guerrero said once at the Huang residence he spoke the [redacted] Witness [redacted] and [redacted] He said he gave the [redacted] his business card with his personal cell phone number on it. He told the [redacted] that he would be off for the next couple of days and if they needed him for anything, to call him. Subject Guerrero said he does not normally give out his personal cell phone number unless someone asks him for it. Subject Guerrero said it appeared to him that the family felt he was "the answer to their prayers" and he wanted to help them. He said he continuously told them that they should get professional help for Witness [redacted] and that there were qualified people that could help her. He said he had no alternative motive for giving the family his business card. Subject Guerrero said he told the family several times to call the station if there were anymore incidents with Witness [redacted]

> **IAB NOTE: Subject Guerrero's had conflicting answers for giving the business card with his personal cell phone number on it.**
> **Initially he said it was for the family to call him if they needed anything then his reason changed to the card was so the family could call him and he would tell them when he would be back at work.**
>
> **IAB NOTE: Subject Guerrero said when he gave the family his card, he advised the family that he would be on days off for a couple of days, therefore they would not need to contact him on his cell phone to find out that information.**

IAB NOTE: Subject Guerrero created an officer safety concern by returning to the location of a mentally ill person alone, without anyone knowing his location and he gave out his personal cell phone number not know anything about this family's intentions and/or their criminal history.

Subject Guerrero said on that morning the parents insisted that he come inside their home and he complied. He denied offering to take the family to breakfast. He said he told them that Witness [redacted] should go out to breakfast with a friend just to get out of the house. Subject Guerrero said Witness [redacted] assumed he wanted to take Witness [redacted] out to breakfast, offered him money and basically pushed for him to take Witness [redacted] to breakfast. He said Witness [redacted] seemed to assumed the same thing and immediately went outside to his personal vehicle and attempted to get inside. He said she could not get inside his vehicle so she walked down the street. He said he yelled for Witness [redacted] to return home but she did not comply. He said her [redacted] would not come outside to get her. Subject Guerrero said he was concerned for Witness [redacted] welfare because she was distraught and crying. He drove down the street to Witness [redacted] and was able to convince Witness [redacted] to get into his personal vehicle. He said he immediately returned to her home.

IAB NOTE: Subject Guerrero created an officer safety concern by allowing a confirmed [redacted] who allegedly had prior possession a knife, inside his vehicle, without verifying if she possessed any types of weapon.

Subject Guerrero said he parked in front of the [redacted] home and he talked with Witness [redacted] inside his vehicle for approximately two minutes. He said as they sat in his vehicle talking, he never touched her. He said he never asked any questions about her past boyfriends. He said they never went anywhere else in his vehicle. He said he did not tell Witness [redacted] that he wanted to be with her.

IAB NOTE: Witness [redacted] alleged that Subject Guerrero drove to at least two areas and parked. She alleged that he stroked her hair, neck and left thigh. She also said he asked her about her previous boyfriends and told her that he wanted to be with her.

Subject Guerrero said once he and Witness [redacted] stopped talking in his vehicle, they went inside her home. He said he sat across the room from Witness [redacted] on a different couch. He said Witness [redacted] began talking about family personal problems. He said he felt uncomfortable and as he attempted to leave the home, Witness [redacted] and Witness [redacted] refused to let him leave. He said they held onto him on each of his arms. He said Witness [redacted] offered her cell phone number on several occasions and that he never asked her for it. He accepted her cell phone number written on a post-it note. He denied hugging Witness [redacted] or touching her on her breast. He said Witness [redacted] hugged him and he did not reciprocate. He said he spent approximately 35-40 minutes total at the [redacted] home.

IAB NOTE: Witness [redacted] said Subject Guerrero left their home at around 1100 hours.

IAB NOTE: Witness [redacted] alleged that Subject Guerrero was sitting on the couch in her livingroom, right next to her. She alleged Subject Guerrero attempted to hug her three times and that he fondled her right breast on the third hug attempt.

IAB NOTE: Subject Guerrero said he had family referral numbers and family services information in his war bag but did not bring or any offer any of those options when he went to [redacted] residence.

Subject Guerrero denied having a discussion with Witness [redacted] about returning to pick her up the next day for breakfast and a walk on the beach. He said he only mentioned that she should go to the beach with friends or family, not with him.

Subject Guerrero confirmed his personal cell phone number as [redacted]. He said later on that same day (November 23, 2009), he text messaged Witness [redacted]. He said he could not recall the details of the text messages but did remember asking her about activities that she liked to do such as bowling. He said when Witness [redacted] showed no interest in any activities, he stopped texting her. Subject Guerrero said after the text messages on that afternoon, he never had any further contact with any of the [redacted] family. He said there were no more text messages, phone calls or personal contacts by him or any member of the [redacted] family.

IAB NOTE: For further details on the text messages see Exhibit A, page 15 (read messages in ascending order).

Subject Guerrero said he returned to the [redacted] residence the following day (November 24, 2009), while off duty. He said he felt compelled to return to the [redacted] home and tell the family in person that he could not help them any longer. He said spoke to Witness [redacted] outside and advised her of this. He said Witness [redacted] understood and told him that Witness [redacted] was asleep. He said he then left the location. Subject Guerrero admitted in hindsight, he could have sent a text message letting the family know that he could no longer help them.

IAB NOTE: Subject Guerrero was on his regular day off on November 24, 2009. He lived in the city of Fontana and specifically drove to Walnut to tell the Huang family that he could no longer help them. He did not wait until a work day to return to the [redacted] home.

Subject Guerrero said he did not think it was necessary nor did he think of contacting a supervisor regarding his off duty contact with the [redacted] family. Subject Guerrero affirmed that he has been spoken to and/or reprimanded when it pertained to re-contacting someone after a call. He reiterated that he felt compassion and compelled to go back and check on the family's welfare.

Subject Guerrero believes that his contact with the [redacted] family was positive and that they would say Walnut Station has a deputy that cares about the citizens in the community.

<u>IAB NOTE:</u> Refer to Subject Guerrero's transcribed interview for further.



County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



August 1, 2011

Deputy Salvatorre Guerrero, #[redacted]

Deputy Guerrero:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business August 22, 2011.

An investigation under IAB File Number IAB 2256660, conducted by Internal Affairs Bureau coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General behavior; on or about November 23, 2009 through November 24, 2009, while on duty, you went to the personal residence of the [redacted] family responding to a call for family disturbance. Later that same day and the following day, while off-duty, you went to the same residence, allegedly in your "unofficial" capacity. However, you could not have gone there in your "unofficial" capacity since your prior contact with the [redacted] (only a few hours earlier) was in your official capacity, resulting in reliance by the [redacted] that your contact was official, thereby causing embarrassment to the Sheriffs Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General behavior; and/or 3-01/030.07, Immoral Conduct, on or about November 23, 2009 through November 24, 2009, while off duty, you engaged Ms. [redacted] in a personal conversation, and/or inappropriately touched her, and/or made inappropriate comments, and/or sent her text messages, evidenced by but not limited to:

a) driving out to Ms. [redacted] residence and asked Ms. [redacted] to have breakfast with you, and/or;

b) driving Ms. [redacted] in your personal vehicle to several different locations where you held her hand interlocking fingers, touching her head, neck, thigh and knee area, and/or;

c) telling Ms. [redacted] that you wanted to have a "romantic situation" with her, and/or;

d) returning to Ms. [redacted] residence you sat next to her on the couch, and attempted to hug her on three separate occasions as she pushed you away, and/or;

e) touching Ms. [redacted] breast with your hand on top of her clothing as you were hugging her and/or;

f) later in the afternoon of November 23, 2009, you initiated and had an exchange of text massages with Ms. [redacted] and or;

g) returning the following morning (November 24, 2010) to the residence of Ms. [redacted] and/or on that occasion you were informed by Ms. [redacted] that "she don't want to go out".

Your actions and behavior during this incident are similar to your prior disciplinary history. Your conduct is completely contrary to this Department's Core Values, Mission and Creed and as a deputy sheriff, they simply can't be tolerated. You have brought discredit and embarrassment upon yourself and the Sheriff's Department.

Thus, you failed to conform to the work standards established for your position as a deputy sheriff. Moreover, your actions during this incident are in direct conflict with this Department's Core Values, Mission and Creed.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Thomas Laing on August 17, 2011, at 1500 hours, in his office, which is located at 4700 Ramona Blvd, Room 423, Monterey Park, California 91754. If you are unable to appear at the scheduled time and wish to schedule some other time prior to August 17, 2011, for your oral response, please call Chief Laing's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Laing's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Laing's office by no later than August 17, 2011.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Joseph M. Gooden, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JMG:ah

c: Advocacy Unit
Employee Relations Unit
Chief Thomas Laing, Field Operations Region III
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2256660)

LOS ANGELES COUNTY DISTRICT ATTORNEY
CHARGE EVALUATION WORKSHEET

X FELONY MISDEMEANOR	AGENCY NAME LASD - INTERNAL AFFAIRS AGENCY FILE NO. (DR OR URN) 009-00044-2003-441	DA CASE NO. 30639076 DA OFFICE CODE J.S.I.D. #10-0169R	DATE 10/01/2010 VICTIM ASSISTANCE REFERRAL ☐ YES – NOTIFY VWAP ☐ NO

SUSP NO.	SUSPECT	CHARGES CODE	SECTION	OFFENSE DATE	REASON CODE
1	NAME (LAST, FIRST MIDDLE)) GUERRERO, SALVATORE	PC	243.4(A)	11/23/2009	B
	DOB [redacted] SEX (M/F) M BOOKING NO.	VIP -- Yes X No			
	___ Gang Member Name of Gang	___ Victim Gang Member Name of Gang:			
	Victim Name:	Victim DOB:			
2	NAME (LAST, FIRST MIDDLE))				
	DOB SEX (M/F) BOOKING NO.	VIP -- Yes -- No			
	Gang Member Name of Gang				
3	NAME (LAST, FIRST MIDDLE))				
	DOB SEX (M/F) BOOKING NO.	VIP -- Yes -- No			
	Gang Member Name of Gang				

Comments

SEE ATTACHED.

COMPLAINT DEPUTY (print)	COMPLAINT DEPUTY (SIGNATURE)	STATE BAR NO.	REVIEWING DEPUTY (SIGNATURE)
SHELLY BARON-TORREALBA/ap	[signature]	160405	[signature]

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): SERGEANT SCOTT CRAIG FILING OFFICER (SIGNATURE): mailed 10/13/10 SERIAL #: [redacted]

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715)			DISTRICT ATTORNEY'S REASON CODES
A. Lack of Corpus B. Lack of Sufficient Evidence C. Inadmissible Search/Seizure	D. Victim Unavailable/Declines To Testify E. Witness Unavailable/Declines to Testify F. Combined with Other Counts/Cases G. Interest of Justice	H. Other (indicate the reason in Comments section) I. Referred to Non-California Jurisdiction J. Deferred for Revocation of Parole K. Further Investigation	L. Prosecutor Prefiling Deferral M. Probation Violation filed in lieu of N. Referred to City Attorney for Misdemeanor Consideration

LAST NAME: GUERRERO FIRST NAME: SALVATORE DA CASE NUMBER: 30639076

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of allegations that Los Angeles Sheriff's Deputy Salvatore Guerrero, Serial # [redacted] committed the crime of sexual battery in violation of Penal Code Section 243.4(a). For the reasons set forth below, this office declines to initiate criminal proceedings.

The following analysis is based upon reports submitted to this office on March 5, 2010 by Sergeant Scott A. Craig of the Los Angeles County Sheriff's Department, Internal Criminal Investigation Bureau. Compelled statements made by Deputy Salvatore Guerrero, if any exist, were not considered as part of this analysis.

FACTUAL ANALYSIS

On November 23, 2009 at 2:55 a.m., a woman named [redacted] called the Walnut Sheriff's Station claiming that her [redacted] had taken the keys to her room. She called again at 3:16 a.m. and reported that the situation was "becoming unbearable."

Deputies Salvatore Guerrero and Alexander Ayala as well as Sergeant Michael Galvan were dispatched to [redacted] in reference to the family disturbance problem reported by [redacted]

Deputy Guerrero arrived at the location at approximately 3:17 a.m. He talked briefly with [redacted] and then instructed her to exit the home and to sit in the backseat of his car. Deputy Guerrero then entered the house and spoke with [redacted] Later, Deputy Guerrero returned to the car and told [redacted] that everything was solved. [redacted] returned to her home and Guerrero left the house.

Later that day, between 8:00 a.m. and 9:30 a.m., Deputy Guerrero went back to [redacted] house. He was not wearing his uniform because he was off-duty. He talked to [redacted] and gave him a business card and wrote his cell phone number on the back.

At that point, Deputy Guerrero and [redacted] left the house for breakfast. They entered Guerrero's four-door Nissan and drove to several parks for about one hour and then returned to [redacted] house.

When they arrived, they both sat next to each other on the living room couch. [redacted] said that Guerrero put his arms around her and tried to hug her three separate times. She put her hand on Guerrero's torso and pushed him away from her. As she was pushing Guerrero away, she felt his left hand touch her right breast over her clothing for about two seconds.

[redacted] then left the living room and went to the bathroom. When she returned, her [redacted] was talking to Guerrero near the family room. A short time later, Guerrero left the house.

Four days later, on November 27, 2009, [redacted] went to the Walnut Station and reported the incident. She drafted a single-page document explaining what happened with Guerrero.

[redacted] was interviewed by Sergeants Scott Craig and Albert Leyva from the Internal Criminal Investigation Bureau and she denied that she made the phone call to 911 on November 23, 2009. However, a review of Walnut Station's 911 digital audio recordings from November 23, 2009 revealed that a female caller identifying herself as [redacted] age [redacted] called from her residence in the City of [redacted] at 2:55 a.m., reporting that her [redacted] had taken the keys to her room.

[redacted] also said she remembered seeing only one deputy at her home despite the fact that the Walnut Station Incident History Report indicated that Deputies Ayala, Guerrero, and Sergeant Michael Galvan also responded to Anna's home after the 911 call.

When asked why she went out with Guerrero for breakfast, [redacted] explained that she did so because she is [redacted] and wanted her [redacted] to think she was trying to get better. She also felt her [redacted] wanted her to go with the deputy.

On January 12, 2010, Sergeants Craig and Weber met [redacted] at the Walnut Station for the purpose of conducting a photographic line-up with six photographs marked #1 through #6. The picture of Guerrero was in the #2 position. [redacted] did not identify Deputy Guerrero. She looked at the photo line-up and misidentified Deputy Guerrero as the person in picture #1. She rated her identification of the photograph as being "one hundred percent sure."

[redacted] parents were also interviewed at Walnut Station and both were able to identify Deputy Guerrero in a photographic line-up.

Sergeant Galvan and Deputy Ayala were both interviewed about the family disturbance call they answered on November 23, 2009 at Anna's home. Sergeant Galvan recalled that the family members told Deputy Ayala that [redacted] had not been taking her medications. Deputy Ayala described [redacted] as "a little irrational, but cooperative."

CONCLUSION

Penal Code, section 243.4(a) provides that "Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse is guilty of sexual battery."

[redacted] claims that off-duty deputy Salvatore Guerrero touched her right breast. However, there is no corroborating evidence to support her allegation. Consequently a conviction in this case rests solely on the credibility of [redacted] was presented with a photographic lineup and failed to identify Guerrero. She selected a different person and stated she was one hundred percent sure it was Guerrero. [redacted] unequivocal misidentification compromises her credibility regarding her allegations.

Penal Code § 243.4(a) requires that a victim of sexual battery be "unlawfully restrained" by the accused. There is no evidence to establish that [redacted] was restrained in any manner. Penal Code § 243.4(e) also requires that a victim of sexual battery be touched in an intimate part of her body by another person. There is no credible evidence to establish that [redacted] was touched in this manner. Further, Penal Code § 243.4(a) requires that the purpose of the touching was for sexual arousal, sexual gratification or sexual abuse. No evidence exists to support this specific purpose. In fact, [redacted] stated the touching occurred when she pushed away Guerrero which could be interpreted as an inadvertent touching.

Insufficient evidence exists to prove beyond a reasonable doubt that Deputy Salvatore Guerrero committed sexual battery against [redacted] Therefore, we decline to initiate criminal proceedings against Deputy Guerrero. We are closing our file and will take no further action in this matter.



CIVIL SERVICE COMMISSION
COUNTY OF LOS ANGELES

June 19, 2013

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of* ***SALVATORE GUERRERO*** *for a hearing on his* ***discharge****, effective September 7, 2011, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 11-309**.

The Civil Service Commission, at its meeting held on June 12, 2013 approved the findings in the above-entitled case. The objections submitted were overruled.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure, as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

LDC:se

Enclosure

c: Salvatore Guerrero
Deborah Wadleigh
Melanie Chaney
Linda Klibanow

ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE (213) 974-2411 • FAX (213) 974-2534

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the **discharge**, effective September 7, 2011, from the position of Deputy Sheriff, Sheriff's Department, of **SALVATORE GUERRERO** **(Case No. 11-309)**	ORDER OF THE CIVIL SERVICE COMMISSION

On June 12, 2013, the Civil Service Commission of the County of Los Angeles, having read the foregoing Findings of Fact and good cause appearing therefor, overruled the petitioner's objections. The Commission adopted as its final decision the findings and recommendation of the Hearing Officer, Linda Klibanow, to sustain the Department. Commissioners Felton and Martinez dissented.

Dated this 19th day of June, 2013.

Dissented — EVELYN V. MARTINEZ, President

LYNN ADKINS, Member

Dissented — VANGE FELTON, Member

CAROL FOX, Member

Z. GREG KAHWAJIAN, Member

LOS ANGELES COUNTY CIVIL SERVICE COMMISSION

In the Matter of the Discharge
Effective September 7, 2011 of

SALVATORE GUERRERO,

Appellant,

From the Position of Deputy Sheriff
With the

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT,

Respondent.

Case No. 11-309

REPORT OF THE HEARING OFFICER; FINDINGS OF FACT; CONCLUSIONS & RECOMMENDED DECISION

APPEARANCES

For the Appellant:	Deborah Wadleigh, Green & Shinee
For the Respondent:	Melanie Chaney, Liebert Cassidy Whitmore
Before:	Linda S. Klibanow, Hearing Officer
Hearing Dates:	July 6, 30, 31, 2012
	August 15, 2012
	October 10, 2012

WITNESSES

Name	Position
Sergeant Casey	Sergeant, Los Angeles County Sheriff's Department (LASD), Internal Criminal Investigation Bureau (ICIB)
Lieutenant Scott A. Craig	Lieutenant, ICIB LASD
[redacted]	Complainant/Citizen

[redacted]	Complainant's father/Citizen
[redacted]	Complainant's mother/Citizen
Sergeant Sonja Bracken	Sergeant, LASD
Chief Thomas M. Laing	Chief, Field Operations Region III, LASD
Deputy Luis Flores	Deputy Sheriff, LASD
Deputy Calvin Mah	Deputy Sheriff, LASD
Sergeant Steven Perez	Sergeant, LASD
Deputy Herman Camacho	Deputy Sheriff, LASD
Deputy Salvatore Guerrero	Appellant

EXHIBITS

See Attachment

INTRODUCTION

The September 7, 2011 Notice of Discharge identifies as the reasons for discharge the following:

(1) In violation of Manual of Policy and Procedures Sections 3-01/000.10 (Professional Conduct) and/or 3-01/030.05 (General Behavior), on or about November 23-24, 2009 Appellant while on duty responded to a family disturbance call at the [redacted] family residence and returned, ostensibly "off-duty," that day and the following day, at which times the [redacted] family members relied upon his official stature and Appellant's conduct caused embarrassment to the Department.

(2) In violation of Section 3-01/000.10 and/r 3-01/030.5 and/or 3-01/030.07 (Immoral Conduct), on or about November 23-24, 2009, while ostensibly "off-duty," Appellant engaged [redacted] in personal conversation and/or inappropriately touched [redacted] and/or made inappropriate comments to her and/or sent her inappropriate text messages. More particularly the Notice alleges that Appellant did the following:

(a) Drove to [redacted] residence and invited [redacted] to breakfast, and/or;

(b) Drove [redacted] in his personal vehicle to several different locations during which drive he held her hand interlocking fingers and touched her head, neck, thigh and knee area, and/or;

(c) Told [redacted] words to the effect he wanted to have a "romantic situation" with her;

(d) Upon return to [redacted] residence sat beside her on a couch and attempted to hug her three times as she pushed him away and/or;

(e) Touched [redacted] breast with his hand on top her clothing as he hugged her, and/or;

(f) Initiated and had an exchange of text messages with [redacted] and/or;

(g) Returned to [redacted] residence on November 24, 2009 and/or was informed by [redacted] on November 24, 2009 that Anna did not want to go out [with Appellant]."

The Notice further states that Appellant's "actions and behavior during this incident are similar to your prior disciplinary history" and contrary to the Department's Core Values, Mission and Creed.

EVIDENCE

Sgt. Casey

Sgt. Casey was asked to investigate a complaint by [redacted] against Appellant, that, following an "in service" call, Appellant returned to visit her house, took her for a drive in his car and returned to her home, and, in the course of such activity, inappropriately touched her, including stroking her hair, touching her upper left thigh, hugging her and touching her breast with his hand. In his interview with [redacted] Ms. [redacted] stated the Appellant had returned to her home in civilian clothing and, after speaking with her parents, had suggested they go to breakfast, then they drove around to several locations at which Appellant commented "there were too many people." According to Ms. [redacted] Appellant told her he "wanted to be with her," touched her upper left thigh and her head and, at her house, sitting on the same couch, attempted three times to hug her (although her [redacted] also was at the home) and, when she pushed away from him, his hand touched her breast in a "lingering" manner. [redacted] further reported that on this occasion she and Appellant made "beach plans" for the following day and later in the day he sent her text messages (she had provided her cell number, even after the inappropriate touchings). Sgt. Casey interviewed [redacted] and other officers, Ayala and Galvan, who reported to the initial call along with Appellant and who advised they did not notice anything "unusual" in Appellant's behavior in response to the call. The incident concerned Ms. [redacted] perception that her [redacted] had locked her out of her room in their residence. Sgt. Galvan recalled the family had said that [redacted] was not taking her meds and that they preferred she sleep in the living room since this occasioned less concern that she might hurt herself. Appellant declined to be interviewed. Sgt. Casey did not request a "call history" on the house, nor did he interview previous responders. Sgt. Casey forwarded his report to the District

Attorney's Office which declined to file charges. The matter was then forwarded to the Internal Affairs Bureau (IAB) for further handling.

[redacted] apprised Sgt. Casey that she was [redacted] and that she had agreed to go to breakfast with Appellant when he returned to the house the following day in efforts to demonstrate to her [redacted] that she was "trying to get better," i.e., "heal herself" from her problems. Ms. [redacted] told Sgt. Casey they never went to breakfast but drove around for 30 minutes to an hour. [redacted] told Sgt. Casey when she left to go to breakfast with Appellant she wore no bra, no underwear and no socks. She confided to Casey that she had "trust issues" and said "no one wants to put up with her crap." She admitted she had had a problem with [redacted]

Sgt. Casey admitted that in speaking with him [redacted] misrecollected the date of the official visit, who had initiated the 911 call, and how many Sheriff's Department vehicles responded to the house that evening.

Lieut. Craig

[redacted] complained that Appellant took her for a car ride during which he stroked her hair and touched her upper left thigh and later on the couch in her house three times tried to hug her and touched her breast. [redacted] was unable to identify Appellant from a photo, although both of her [redacted] could. Lt. Craig showed the photo to [redacted] complainant's [redacted] approximately end of November/early December, but did not show the photo to [redacted] until approximately January 12, 2010. Appellant declined to be interviewed by Sgt. Craig or Sgt. Leyva.

[redacted]

Ms. [redacted] who lived with her [redacted] had a dispute with them, 911 was called, the dispute was resolved and the deputies left. Appellant returned later the same date, about 9 or 9:30 in the morning, in civilian clothing and car. Ms. [redacted] did not expect him. Her [redacted] opened the gate; she went out. Appellant told [redacted] he had returned to help and provided a business card with his personal cell number on the back. See, Dept. Ex. 1-228, which [redacted] provided to Lt. Craig. She asked for the card since he had given one to each of her [redacted] so he would "not only get her [redacted] version."

Appellant asked if she had eaten yet and suggested they go to breakfast and although she did not want to go, she did, although she cried the entire time. Her [redacted] tried to give Appellant some money. [redacted] agreed to go with the Appellant in order to show her [redacted] that she "wanted to find a way to get better." (Her [redacted] repeatedly encouraged her to get out of the house and be more social) She exited the house and headed to Appellant's car wearing the clothes she had slept in. Appellant suggested finding a place to park and talk but, after they could not find a private place to park, he drove her home. During the car ride they had conversation about her situation with her family, her past relationships and boyfriends, etc. She described her situation with her [redacted] to Appellant as "sad" and "desperate," citing their inability to communicate or get along, as well as her perception that her [redacted] hated her and wanted her to leave. She told Appellant that she had no place to go except her [redacted] since she had no money, no license and no job. [redacted] confided in Appellant that, due to her [redacted] no one would "want to be in relationship" with her; Appellant replied that he would

want to be with her and touched her left leg, her hair, her neck and interlaced his fingers with hers. [redacted] did not want to touch/be touched and was stunned and did not respond. When they returned to the house she sat on the couch and he sat next to her and repeated that he was there to help, although he did not say how. He continuously touched her and several times tried to give her a hug. She did not tell him this was making her uncomfortable and when she pushed him away, his hands slid forward and one hand touched her breast "too long." Scared, she excused herself to use the restroom. When she exited the restroom, Appellant was speaking with her [redacted] and said he'd return the next day and they could walk on the beach. Her [redacted] suggested she give Appellant her cell, which she did, and she received several texts that afternoon; Appellant in text referred to himself as her "deputy friend." [redacted] told her he came the next morning. Subsequent to this [redacted] told her [redacted] what had happened.

[redacted] at the time of the incident was unemployed. She had been a [redacted] but the Board of Nursing [redacted] See, Appell. Ex. D. At hearing [redacted] claimed she could not recall whether in connection with proceedings on her [redacted] she lied about [redacted] abuse in order to qualify for a diversion program, or the ALJ so found. [redacted] claimed she did not use meth in 2009.

According to her credible testimony, [redacted] moved back with her [redacted] in September 2008 and felt bad about invading her parents' privacy and space; the situation was tense, lots of arguments, and she felt helpless. She felt the situation was "unbearable" and therefore sought help from the Sheriff's Department although she did not know how they could help. Her [redacted] encouraged her to get out of the house but she felt more comfortable at home than out.

She did not file her complaint immediately only because she was not sure people would believe her, not because she had any question about Appellant's improper intent in his dealing with her.

[redacted]

[redacted] complainant's [redacted] testifying through Mandarin interpreter, credibly testified he first met Appellant when his [redacted] called 911 and the officers responded very late at night. Mr. [redacted] credibly testified that that night he did not request that Appellant return later and that he had not expected Appellant when he returned at approximately 8 AM the same day. Appellant told Mr. [redacted] he returned to "make sure everything was ok" and provided a business card with his cell. Mr. [redacted] then invited him inside the home, but a call came in and Mr. [redacted] left the area and did not see Appellant further that date. When Mr. [redacted] returned from taking the call, neither Appellant nor [redacted] was in the house and [redacted] his [redacted], told him they had gone to breakfast. On departing the house Mr. [redacted] did not see the dark-colored Japanese car that he had observed Appellant to arrive in. That evening his [redacted] told him that Appellant and [redacted] had left for breakfast but had not had breakfast but instead returned not too long after and talked in the living room and that Appellant had said he would return the next day to take [redacted] for a walk in Long Beach, and he was expected about 8 AM. Accordingly, the next day, Mr. [redacted] delayed his departure for work because [redacted] had told her parents that she "did not want to go with the deputy." Mr. [redacted] planned on thanking Appellant for his help, but explaining his [redacted] would not go ([redacted] specific reasons did not become known to her [redacted] till some time later). By 8:15, however, Appellant had not come, so Mr. [redacted] left; his

wife later reported that Appellant had come to the house and she thanked him but advised that [redacted] did not want to go.

Mr. [redacted] further credibly testified that at no time to his knowledge did Appellant offer the family a telephone number for a [redacted] or any other sort of referral for help.

Initially Mr. [redacted] believed that Appellant had tried to help them but after [redacted] disclosures concerning the touching, Mr. [redacted] no longer believed that "help" was Appellant's intent.

On cross-examination Mr. [redacted] testified to: [redacted] diagnosis a few years ago with [redacted] and her consequent return to the home; the large number of 911 calls made thereafter by [redacted] or her [redacted] to the Sheriff's Department for help; the fact that from time to time it appeared [redacted] had not taken her meds (though for the most part it appeared that she did); his speculation at times that [redacted] might be abusing [redacted] apparent belief at times in things that were not true; his and his [redacted] desire at times that [redacted] leave the house and that they had so told police, and; the fact that, although [redacted] had a social worker, he and his [redacted] still asked the police for help and were seeking more or different resources for [redacted]

[redacted]

[redacted] complainant's [redacted] credibly testified that, on the occasion that Appellant reported with other deputies in response to [redacted] 911, she did not ask Appellant to return; therefore, she did not expect him to arrive later that date about 8 AM, as he did. Appellant said he was there "to help" and offered a business card with his cell phone number and entered the home

when [redacted] invited him in. She called her [redacted] to come meet with the deputy in the living room. [redacted] left the living room to take a phone call and [redacted] went to the kitchen, leaving [redacted] to talk with Appellant. Appellant and her [redacted] left the house to grab coffee and perhaps breakfast; [redacted] offered to pay. [redacted] was staunch in her testimony that Appellant had not suggested that *she* take [redacted] out for breakfast. They left the house but returned, apparently not having had breakfast. [redacted] credibly testified that they (and the car) were gone about 10-20 minutes. Appellant and [redacted] sat on the same couch in the living room. In the course of the visit [redacted] expressed to Appellant that [redacted] had no one to talk to about problems, may have told [redacted] to give Appellant her cell number, told [redacted] to hug Appellant, did herself hug Appellant, and cried in front of Appellant (she was crying daily in that time period). [redacted] conceded that she was trying to encourage a friendship between Appellant and [redacted] and was hoping they could be friends so [redacted] would have someone to talk to. He left about 11 AM indicating he would return the next day to take [redacted] to Long Beach. In the late afternoon or evening that same day [redacted] told [redacted] she did not want to go with Appellant the next day. The next day about 8:30 AM after her [redacted] had already left for work Appellant reappeared at the house to pick up [redacted] reconfirmed with [redacted] that she did not want to go and then told that to Appellant and thanked him for his help. Appellant did not say anything to [redacted] about his not being able to help them (or [redacted] anymore. [redacted] credibly testified she felt bad because she had pushed [redacted] to go outside the home, giving her lots of pressure; [redacted] had told her, "You keep sending someone to hurt me, let me tell you what happened," and disclosed the inappropriate touching. [redacted] credibly testified that she believed her [redacted] because her [redacted] always tells her the truth; she did not deem it possible that [redacted] made that up to avert further "pushing" from her [redacted]

On cross-examination [redacted] credibly testified that the night [redacted] called 911 [redacted] shared with officers that earlier that night [redacted] had been making a sandwich and waved a knife.

[redacted] further testified, credibly, that she could not be sure when [redacted] had taken or not taken her medications since [redacted] treated her medicines as one of her privacies;" [redacted] further testified that [redacted] had said herself that she needed to take them on time or she'd go berserk. [redacted] conceded, tearfully, that she may have said to deputies at some point that she wanted to evict [redacted] and she may have said to Appellant or other officers that her husband had threatened divorce due to [redacted] [redacted] credibly testified that Appellant did not encourage her to get "other help" for [redacted]

Sgt. Bracken

Sgt. Bracken authored the IAB investigative report. She noted a major inconsistency between Appellant's account to her that his motive in returning to the [redacted] residence was "to help," on the one hand, and his admission that he did not bring them any referral information, on the other hand. She also viewed his text messages to complainant as "suggestions about going out" and deemed it odd that he returned the second day he was off duty just to say he could not help anymore.

In her capacity as IAB investigator and author of the IAB investigative report, in Appellant's counsel's words, Sgt. Bracken functioned as the "gatekeeper of relevant facts." In cross-examination of Sgt. Bracken Appellant, thus, sought to fault Bracken for an "unduly narrow" scope of investigation in failing to pursue certain avenues of investigation reasonably calculated to "test" the credibility of the complainant [redacted] particularly given the absence of corroborative witnesses to the "touching" allegations against the Appellant. In her testimony on cross-examination, Sgt. Bracken thus admitted that she had not examined the records of previous call-outs and responses to

the [redacted] residence (to ascertain whether [redacted] had either manifestly misperceived reality or had lied to officers), or run [redacted] criminal/drug, 5150 and/or licensing history, etc. Sgt. Bracken indicated that she did not deem such matters germane to her investigation of the particular events of November 23-24, 2009, notwithstanding that she did include in her investigation the Appellant's previous (founded) disciplinary history.

Chief Laing

Chief Laing reviewed the entire IA case file (including all interview transcripts), made findings, and presented the matter for "case review"; he also made the final decision. As Chief Laing saw it, through responding to the call for service, as a representative of the Sheriff's Department, Appellant was invited to resolve a family matter and the family, therefore, was entitled to "the ultimate" in trust. Chief Laing concluded that Appellant's visit the following day was inappropriate since he misled the family as to his motivation which was one of personal gain in seeking a personal relationship with [redacted] Appellant thereby violated the [redacted] family's trust, eroded that relationship, and brought discredit to the Department, all in violation of the Department's core values.

Chief Laing noted that Appellant had previously been [redacted] Chief Laing noted that, at the Skelly, Appellant admitted his visits and the texting, maintaining his motive had been simply to help [redacted] Chief Laing credibly testified that he found Appellant's "explanation" for his post-service call visits to the Huang residence as adduced at the Skelly hearing not credible. Chief Laing noted the record contained no indication that Appellant was "providing any assistance" inasmuch as he was not a

professional mental health worker and he brought no pamphlets; rather, what Chief Laing detected was only conversation seeking to establish an intimate relationship with [redacted] in that Appellant engaged [redacted] invited her to breakfast, allowed her into his car, sat on the couch together with her, and, crediting [redacted] over Appellant, touched her hair and leg, sought hugs, and let his hand linger on her breast causing her to find a ruse to depart the room. The texts sent by Appellant, in Laing's estimation, sound like personal messages, relating to a date, reasonably alarming to someone in complainant's known vulnerable condition. Further, Appellant's asserted rationale for the final visit- to remove himself from the situation, in Laing's estimation, is counterintuitive.[1]

In reaching his decision Laing was aware of previous calls for assistance from the [redacted] residence (as many or more than ten in a year), considered the possibility that [redacted] could impact her credibility, and considered the possibility that complainant's [redacted] misunderstood Appellant's conversation in view of the fact that Mandarin was her primary language; yet, considering the totality of circumstances with respect to the incident in question, Laing concluded that [redacted] was credible and not the Appellant. In coming to this conclusion Laing did not deem it necessary to review [redacted] complete criminal record history nor to investigate whether she had a continuing drug abuse problem. Laing also considered the fact that [redacted] conceded having told [redacted] to hug the Appellant and that [redacted] returned to the living room from the restroom *following* alleged inappropriate touching; Laing denied this was necessarily inconsistent with her being a sexual assault victim inasmuch as his training and experience have disclosed that "sexual assault victims react differently."

[1] The hearing officer notes that Appellant had no reason to believe that [redacted] would not be present on this occasion, as he had no reason not to anticipate that he would see [redacted] when he returned to the residence for the second time. Notably, in the past, as Appellant advised the investigator, Appellant had proven unable to withstand the "in person" emotionality of the Huangs in persuading him time and again to become further engaged with them.

Viewing the totality of circumstances Laing concluded that Appellant revisited the [redacted] residence "under color" of official capacity, that the [redacted] family perceived him to be acting in at least a quasi-official "helping" capacity (reliant upon trust engendered by his office but with "bad motive," i.e., that he revisited with the intent to get [redacted] out of the house to be with her one-on-one and to become more personal or intimate with her.) Laing conceded that *revisiting off duty a member of the public whom an officer met while on duty is not a violation of policy* per se and that there is no departmental policy against texting with a member of the public met in official capacity, yet here he concluded the texting was inappropriate in totality of the circumstances.

Although the Notice of Discharge cites an evident "pattern" of behavior, Laing testified that, regardless of the previous [redacted] he would have concluded that [redacted] was credible and Appellant not, and also would have reached the same disciplinary decision of discharge.

Pressed as to the bases for his conclusion that [redacted] was credible in her accusations against Appellant, Laing noted the following undisputed facts: Appellant returned (as [redacted] said); [redacted] was in Appellant's car (as she said); Appellant texted her (as she reported); the texts appeared personal in nature; Appellant brought no professional literature nor made any other efforts to provide the [redacted] family with professional care; although the [redacted] had expressed concern over their [redacted] handling of a knife, Appellant returned without notifying the Department and without any plan for police action; [redacted] was consistent in her accounts of the Appellant stating that he wanted to get to know her, as well as his touching her.

Laing conceded that this situation was distinguishable in some respects from the previous, Dominguez, situation on account of which he was suspended, in that [redacted] was neither a victim, witness nor suspect in a pending criminal investigation, nor did the circumstances in Dominguez entail inappropriate touching or texting or any question of [redacted]

Deputy Flores

Deputy Luis Flores on numerous occasions prior to the incident in question responded to calls for service at the [redacted] residence, having to do with the [redacted] calling that [redacted] was not taking her [redacted] was keeping them up, yelling, making holes in the wall, etc. Sometimes Flores "could see signs" of disturbance, .i.e., things broken, but in his dealings with [redacted] she never displayed erratic behavior and, despite the [redacted] desire on at least one occasion to his perception [redacted] never met the [redacted]. Flores left a pamphlet and a number to call; he never returned for an "off duty" welfare check and testified he "probably wouldn't…[since] problems could arise." In working with Appellant at Walnut, same shifts, [redacted] with him, and sometimes operating [redacted], Flores never witnessed any inappropriate conduct on Appellant's part vis a vis female members of the public.

Deputy Mah

Calvin Mah also worked [redacted] with Appellant and, despite occasional opportunity presented, never saw Appellant engage in any inappropriate conduct vis a vis female members of the public.

Sgt. Perez

Sgt. Perez, like Deputies Flores and Mah, was unaware of any policy against off duty visits of persons met on duty and he testified that he had also returned to the home of an elderly woman, who reported a burglary and was living alone; he had told her if she got a lock, he'd install it for her, and he did. As did Flores and Mah, Perez testified that for Appellant to have engaged in inappropriate conduct as alleged would have been uncharacteristic of the person he worked with.

Deputy Camacho

Herman Camacho testified to similar effect, that he had worked with Appellant, that there had been "opportunities" which presented themselves for "inappropriate" conduct, but that Appellant was not one to take advantage but, rather, in Camacho's estimation, was an officer dedicated to career and family. Camacho also testified that he'd revisited someone he met on duty; when he learned a single mom with several kids would have no Christmas gifts, he purchased some and returned with them. Camacho expressed that in circumstances like these, off duty "welfare check" visits are consistent with Sheriff Department core values to be a role model for the community.

Appellant

Appellant had served approximately 15 years with the Department prior to November 23, 2009 when he was dispatched with two other units to the [redacted] residence. He was first to

arrive. [redacted] met him outside the house, evidently distraught, and narrated problems she was having with her [redacted] who did not want her in the house, wanted to get rid of her, and had locked her out of her room. He then spoke with the parents who recounted problems they'd been having with [redacted] who was [redacted] particularly when she was off her [redacted] They recounted how about midnight [redacted] had been making a sandwich and talking to her [redacted] while holding a knife; there was something about this they found threatening though they did not say that she pointed the knife at them or explicitly threatened them with it.

According to Appellant the [redacted] requested that he return to check on their welfare and persisted when he objected that this was not Department policy. Since he forgot to return on duty, he returned in civilian clothes and car, well before 9:30 AM. Appellant represented that his plan was to speak with the [redacted] only. He handed the father his business card since he was in civilian dress; he also added his personal cell number.[2] By this time the family had joined at the gate and he added his cell to another card which he handed to Mrs. [redacted] Mr. and Mrs. [redacted] persisted in inviting him in for coffee, saying they had something very important to tell him, so he went into the house. The [redacted] received a phone call which he took in the backyard. Meanwhile the [redacted] complained that [redacted] never left the house, slept in the living room, slept all day, etc. Appellant responded that this was not healthy and friends and relatives should take her out, perhaps take her out for breakfast. Appellant testified he went through a list of people who perhaps could take her out, siblings, other relatives, and offered suggestions to give Mrs. [redacted] ideas, take her here, take her there, take her to the beach. At this the [redacted] told Appellant to take [redacted] out and reached for her little purse; [redacted] opened the door and ran out. Appellant maintained that, from inside the house, he could hear [redacted] trying to get into the car

[2] Appellant also testified that he offered his business card so the [redacted] could ascertain when he was back on shift and told them to call the station first. Had they called, he would have given them the number for [redacted]

but then she started walking down the street emotionally distraught. Appellant in testimony speculated that Mrs. [redacted] misunderstood what he was saying when he offered his suggestions to get [redacted] out of the house.

Appellant maintained that in returning that date he had no intent as to police action but was only returning to make sure the [redacted] were okay.

Rather than leaving [redacted] to deal with a situation with which they no doubt were well familiar, Appellant called to [redacted] to return and, while summoning Mrs. [redacted] Appellant went after her. Appellant maintained he followed [redacted] because he saw no one else (Mr. or Mrs. [redacted] responding to his summons and did not want [redacted] to get hurt or become a "missing person." Appellant noted that [redacted] had no shoes on and was wearing pajama style clothing, although apparently she had her cell phone with her since she used it later in Appellant's presence.

On redirect Appellant testified that after [redacted] entered the car per his invitation when he followed her down the road, he made a couple of right turns and that one place they turned was on Shadow Oak and there was a park there.[3] But he maintained that once she was in the car the only place they stopped was directly in front of the [redacted] house.

Appellant followed [redacted] about five houses down the street and then asked her to step in the car, which she did. [redacted] then told him no one wanted her, she had nowhere to go. Appellant maintains he counseled her to either correct the relationship with her [redacted] or to move out, "since she was adult." Appellant maintains it was a less than two minute conversation

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[3] Note corroboration of [redacted] account that they drove to a park-like setting. Appellant told Sgt. Bracken they did not leave [redacted]

during which time he returned to the house in the car. According to Appellant, he then asked [redacted] to step out. The gate was open, but the front door locked; so [redacted] called and the [redacted] opened the door. Again, Appellant maintains, he tried to leave but Mrs. [redacted] insisted she had important things to tell him, so he re-entered. Appellant maintains he told Mrs. [redacted] as he had Mr. [redacted] earlier that day, that they required professional help. As was her [redacted] Mrs. [redacted] was emotionally distraught and repeatedly remarked that no one would help them. Mrs. [redacted] urged Appellant to be [redacted] friend and talk to her, confiding also that if the situation did not improve, [redacted] would seek a divorce. Appellant described the situation as one in which Mrs. [redacted] and [redacted] were each crying simultaneously on one of his shoulders.[4] According to Appellant, Mrs. [redacted] told [redacted] to give Appellant her phone number, [redacted] kept offering it on a post-it, and he took it "just to get out of the house."[5] Appellant testified that [redacted] hugged him just before he left.

Appellant maintained he never asked [redacted] out to breakfast, never arranged for a walk on the beach the following day, did not reciprocate the hug, he and [redacted] never sat on the same couch, he never touched her breast, and he texted her only "as a favor" to the [redacted]

Appellant testified he returned again on November 24 only to tell them he could not help, that they should get professional help, and that he did not want any future contact.[6] Appellant

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[4] Note also Appellant's remark to the investigating officer, that it was as if, to the [redacted] he was "the answer to their prayers;" Appellant, thus, assumed a position not only of authority as a law enforcement officer but also one of power vis a vis [redacted] and her [redacted]

[5] Appellant used the cell number to initiate a series of text messages with [redacted] which are susceptible to interpretation as suggestions for dating activities.

[6] Alluding to himself in the texting as [redacted] "deputy friend" does not sound consistent with evolving determination to summarily "cut off" contact with the [redacted] and returning in person on the 24th only to deliver that message; it also is inconsistent with Appellant's assertion that his off-duty conduct vis a vis [redacted] was totally separate and apart from his "deputy" status.

testified he realized that the [redacted] wanted him to have a relationship with [redacted] thus, what they wanted of him was something he could not do.

Appellant testified he did not apprise the Department as to either of his two off-duty visits since "it was not a police matter, it was something personal."[7] Since the return visits did not involve officer safety or ongoing criminal investigation issues, he did not believe them to be inappropriate. Since he intended only to check on the [redacted] he did not anticipate seeing [redacted] or the potentiality of trouble with the knife which the [redacted] had referenced the night of the service call.

Appellant's testimony on cross-examination discloses that, prior to his November 24 return visit, Appellant became extremely uncomfortable, even anxious, with the situation *as he had allowed it to develop*, i.e., that he was aware of possible misapprehension on the part of the [redacted] as to his involvement with [redacted] thus, he was concerned to disabuse the family of any "false hope" of his being friends with [redacted] to the extent of making a thirty-minute drive to the [redacted] residence on his regular day off so he could "get that off of my mind" and "cease and desist." Indeed, when Appellant was asked whether he deemed it "appropriate" to return, Appellant evaded answering. Similarly, when asked whether his texting was "appropriate," Appellant testified he did "not know whether "appropriate" was the word he would use" and "that 'appropriate' did not enter his mind." Asked whether texting was "the right thing to do," Appellant again evasively responded that he did it in response to the parents' request [that he be [redacted] friend.] Notwithstanding such language used as "I would very much like to know what your thing is…," Appellant insisted he did not even consider that [redacted] could "take it the wrong

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[7] Yet a welfare check is not purely personal, particularly when allegedly generated by the elder [redacted] nervousness concerning [redacted] wielding of a knife, nor is the return "to help" purely personal. Indeed, Mrs. [redacted] believed he would help precisely because he was a policeman.

way" since "if [in fact] he wanted to ask her out he would have done so in a more straightforward manner."[8]

Finally, questioned whether he thought his off-duty conduct with the [redacted] demonstrated" good judgment," Appellant maintained that the "welfare check was good judgment" and, further, that "*all the rest was created by the* [redacted] *and* [redacted]

ISSUES

1. Are the allegations contained in the Department's letter of September 7, 2011 true?

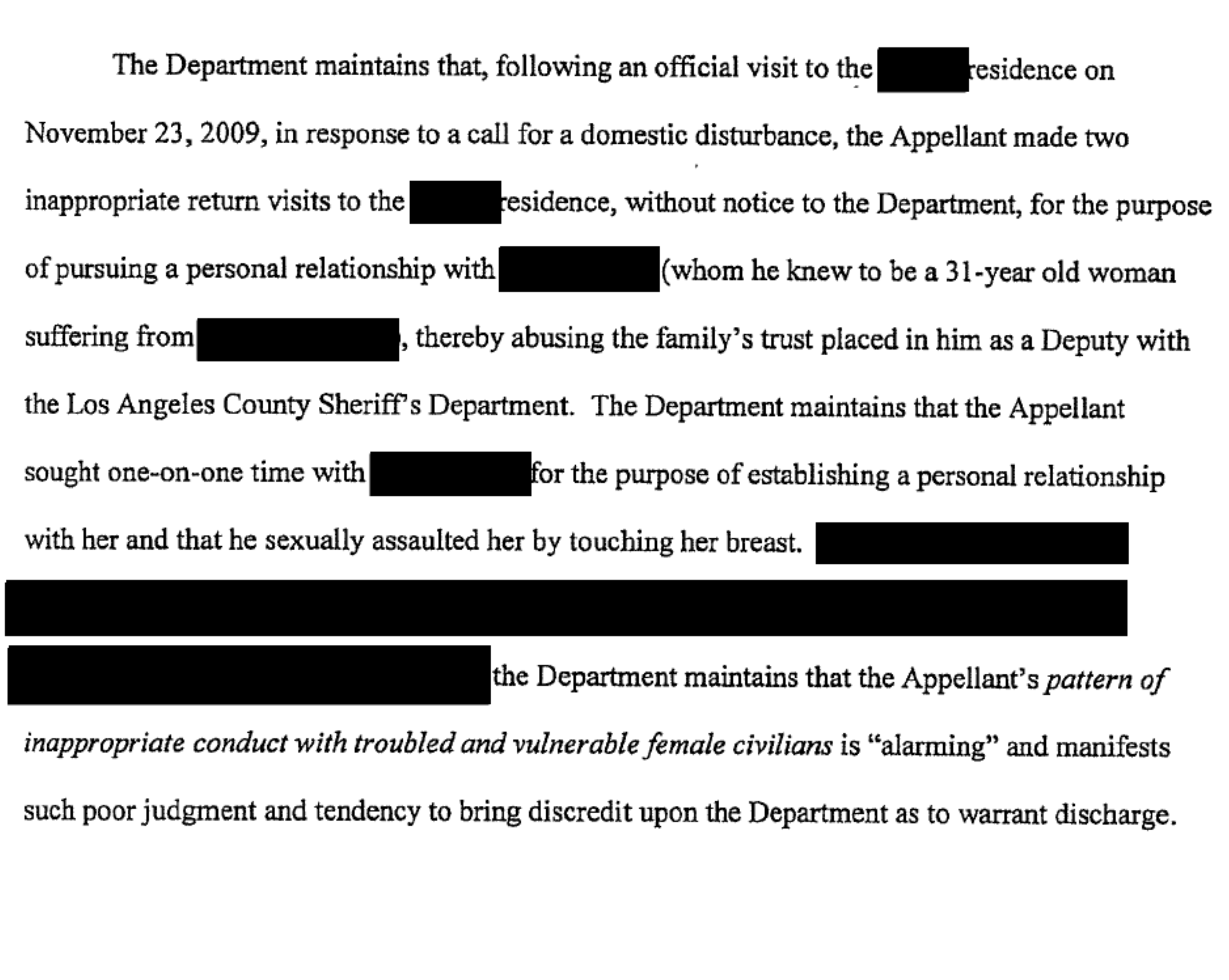
2. If any or all are true, is the discipline appropriate?

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[8] In all of these respects Appellant either exercised poor judgment and/or acted for immoral purposes. Notably in his investigatory interview Appellant stated he did not view [redacted] as "vulnerable," but as a Deputy Sheriff, being cognizant of her [redacted] her [redacted] conflict with her [redacted], their desire to rid themselves of her as a "burden," her well evident [redacted] her inappropriate dress, etc., etc., Appellant should have recognized [redacted] as a vulnerable [redacted] not to mislead her, either in speech (as he admits he did mislead [redacted] and her [redacted] with respect to the breakfast and beach invitations) or in texting (use of "deputy friend" phrase, suggestions of social activities, and confession of "very much interest" in her). Appellant, thus, in his very effort to disabuse the hearing officer from the notion that he had any "romantic" interest in [redacted] emphasizes what alternatively can only be viewed as very serious errors in judgment ostensibly giving rise to almost a "panicky" consciousness of guilt and necessity to alter the [redacted] perceptions as to his future intent. Appellant should have considered the propriety of returning—on the second, third and fourth occasions, he should have considered the propriety of texting [redacted] rather than being "swept into" the turmoil of the [redacted] family's emotions. Given his position as a Deputy Sheriff, it is inappropriate for Appellant to "blame" [redacted] and her mother for the way things developed, and; given his position as a Deputy Sheriff Appellant is to blame for the fact that, "the way things developed," [redacted] became fearful of Appellant's return while the elder [redacted] became fearful they had lost the Sheriff's Department as a resource for help or even gotten themselves "into trouble" with the Department.

[9] Appellant suggested that he was impacted by the [redacted] family emotions, apparently to the point of distracting him from assessing whether his conduct was "inappropriate" in similar manner to the [redacted]

POSITIONS OF THE PARTIES



Position of the Department

The Department maintains that, following an official visit to the [redacted]esidence on November 23, 2009, in response to a call for a domestic disturbance, the Appellant made two inappropriate return visits to the [redacted]esidence, without notice to the Department, for the purpose of pursuing a personal relationship with [redacted] (whom he knew to be a 31-year old woman suffering from [redacted], thereby abusing the family's trust placed in him as a Deputy with the Los Angeles County Sheriff's Department. The Department maintains that the Appellant sought one-on-one time with [redacted] for the purpose of establishing a personal relationship with her and that he sexually assaulted her by touching her breast. [redacted] the Department maintains that the Appellant's *pattern of inappropriate conduct with troubled and vulnerable female civilians* is "alarming" and manifests such poor judgment and tendency to bring discredit upon the Department as to warrant discharge.

Position of the Appellant

The Appellant maintains that he is a 14-year veteran with the Department whose testimony should be credited over that of the [redacted] complainant whom the record shows to be an unreliable witness. The Department erred in refusing to investigate and consider [redacted] history of calls to the Sheriff's Department, her history of [redacted]

[redacted] all substantiating her lack of credibility. The Appellant maintains that he visited the [redacted] home the second time, off-duty, because he had promised Mr. and Mrs. [redacted] to "check" on their welfare (they were concerned about their daughter's conduct with a knife) and forgotten to do so before completing his shift; he had no intent to visit [redacted] but the [redacted] insisted he come inside and persisted in seeking his help with their daughter [redacted] When, in response to Mrs. [redacted] stated concerns that [redacted] never left the house, Appellant made suggestions of social activities in which [redacted] might engage with others, [redacted] distraught, ran out of the house and down the street and Appellant followed her and brought her back in his car due to concern she might become a missing person. Mrs. [redacted] then instructed [redacted] to give Appellant a hug and to provide him her personal cell number. Appellant sent [redacted] several text messages just to befriend and encourage her, as Mrs. [redacted] had requested. The following day Appellant advised Mrs. [redacted] he could no longer help [redacted] and that the family needed professional help.

The Appellant maintains that there is no Department policy prohibiting deputies from revisiting off-duty persons whom they assist on-duty and that, in fact, in multiple circumstances, deputies revisit persons when they meet on-duty, without any sanction. Such visits are not inconsistent with the Department's core values. Nor is there any policy prohibiting deputies from text messaging with persons they meet on-duty.

The complainant, [redacted] is not a credible witness. For this very reason, despite [redacted] criminal complaint, the District Attorney declined to file criminal charges against Appellant. Appellant urges the hearing officer to consider as motive for [redacted] to make

her complaint, and lie, against Appellant, the desire to compel her [redacted] to cease pressuring her to become more social and leave her house, her "comfort zone."

DISCUSSION

In his interview with Sgt. Bracken Appellant admitted, "hindsight I would've done it differently....My intention was just to contact the family, make sure they're okay and drive away. And that's all I went with that intention to do. Unfortunately, it didn't turn out that way." Careful review of the circumstances compels the conclusion, however, that its "turning out poorly" was due to Appellant's poor exercise of judgment and/or deliberate pursuit of aims contrary to the Department's Core Values, Mission and Creed. Appellant either did not consider whether returning "off duty" might be inappropriate[10] or returned knowing the visit was inappropriate—either way, Appellant's "off duty" conduct was inappropriate as his own testimony at hearing actually concedes. Even assuming, arguendo, that his motive was "innocent," Appellant's account is that he became so anxious after realizing he had "led on" the [redacted] to believe he was [redacted] "friend," that he hastened to their residence on November 24, 2009 just to advise them he could no longer have any contact with them—this itself, seemingly inconsistent with his community obligations as a deputy sheriff. Alternatively, he returned on November 24 to further develop an intimate relationship with [redacted] "at the beach," but was denied this opportunity due to [redacted] disclosure and insistence to her [redacted] that she was not comfortable spending any additional time with Appellant.

[10] Deputy Sheriff Flores, for example, credibly testified that he would not have considered returning to the [redacted] residence for an "off duty" welfare check because "problems could arise."

Notwithstanding her [redacted] possible [redacted] and manifest unreliability as a witness in certain respects (such as how many deputies responded on November 23, who called 911 that night, how long was she in Appellant's car on November 24 and where did they drive, her inability to recognize Appellant in a photographic lineup some weeks following the incident), like Sergeant Casey and Chief Laing,[11] the hearing officer deems [redacted] testimony nonetheless credible on the issues most critical to the disposition of this case.[12] The hearing officer thus, finds, that Appellant returned to the [redacted] residence of his own initiative, *not* because Mr. or Mrs. [redacted] requested a welfare check:[13] there is no reason for Mr. or Mrs. [redacted] to have testified falsely in this regard.[14] Appellant himself concedes that, based upon what he did say in their home,

[11] Appellant contends that, because Appellant's failure to offer constructive help to the [redacted] during his off-duty visits is not expressly referenced in the disposition worksheet, such basis for discrediting Appellant's account of his motivation must be an "afterthought" substituted for improper reliance upon a pre-[redacted] unfounded allegation which had improperly been referenced in the disposition worksheet which the hearing officer ordered stricken from the record. Yet Chief Laing did not rely solely upon the absence of such constructive assistance in determining improper motive. Chief Lang also considered Appellant's failure to notify the Department notwithstanding that the "welfare check" was associated with the [redacted] feeling threatened by [redacted] handling of a knife and Appellant's "rationale" that he didn't "plan" to see [redacted] and then engaging with [redacted] including personal discussion, invitation to breakfast, driving her in his car, touching and texting. Laing reiterated several times that his credibility determination was based upon review of the "totality of all the circumstances presented" and his concern that "even someone who is [redacted] could be a victim."

[12] Although the possibility was referenced by Appellant early in the hearing, no expert testimony was offered by either party with respect to the issues of any relation between [redacted] and/or historical [redacted] on the one hand, and ability to perceive or distortion of reality, on the other hand. The hearing officer notes Appellant's testimony that the complainant did not appear out of touch with reality in his dealings with her, the parents' testimony as to the episodic nature of the illness, and the absence of record evidence to indicate any [redacted] associated with impaired reality testing.

[13] Notwithstanding his previous [redacted] Appellant maintains that he did not even consider the possibility that his return to the [redacted] residence might be deemed inappropriate by the Department. Although, per Appellant, he was returning because the elder [redacted] asked him to check on them due to their discomfort with how [redacted] handled a knife in their presence earlier in the day [Dept. Exhibit 1-113], Appellant noncredibly maintained that he had no anticipation whatsoever of encountering [redacted] during the "welfare check."

[14] The hearing officer rejects the contention that [redacted] mother was not a credible witness since she told the investigator she was not certain [redacted] and Appellant left to go to breakfast; considering the language difficulties and reviewing the transcript of this interview, the hearing officer concludes that [redacted] did not maintain at any time that [redacted] and Appellant did not leave the house to go to breakfast, although she did clarify that they had not had breakfast or coffee as she had anticipated. Similarly, the hearing officer does not believe that the Notice of Discharge was seriously "defective" in alleging that [redacted] had maintained Appellant sought a "romantic situation" with her. Quotations are commonly used not only for exact reference to what was said but also as indication of "words used in a specialized way" and all that Chief Laing did at hearing was clarify that here the use of quotations was to indicate that [redacted] had maintained Appellant said

[redacted] and Mrs. [redacted] must have understood him to invite [redacted] to breakfast, causing her to run to his car. Appellant then followed [redacted] rather than simply alerting her [redacted] that she had gone down the block.

In this regard Appellant's testimony that he was concerned for her to become a "missing person" appears inconsistent with his assertion in investigative interview that he did not consider [redacted] to be a "vulnerable" person. This assertion itself is suspect given Appellant's knowledge of [redacted] her conflict with and dependency upon her [redacted] her perception (confirmed by them) that her [redacted] wanted her "out" of their home, her confession as to her loneliness and perception that "no one would want her" with all her problems, her continual crying and emotionally distraught demeanor.

Appellant admits he engaged [redacted] in personal conversation in the car and again when he re-entered the house after their brief "drive"—by this time Appellant was well aware of the extent to which [redacted] and her [redacted] had engaged with, and relied upon, him due to his position as a deputy sheriff. Yet more personal discussion ensues, Appellant accepts [redacted] cell number, and even uses it to engage her further as her supposed "deputy friend" who cares deeply about her. Then he returns yet again the following day to the [redacted] home.

The foreseeable outcome of Appellant's choices in his dealings with [redacted] and her [redacted] November 23-24, 2009 were [redacted] feeling violated and fearful of Appellant and, at least following her complaint, Mr. and Mrs. [redacted] feeling they might be in trouble with, and no longer able to seek assistance from, the Los Angeles County Sheriff's Department.

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things to her which indicated to her that he sought a romantic/sexual/personal sort of relationship with her, rather than a professional "helping" one. Lastly, that Appellant was not prosecuted for sexual battery does not dictate the proper result in this case due to the fact that the disparate offenses are comprised of different components and carry different burdens of proof.

While Appellant raises concerns that Chief Laing's conclusions may have improperly been determined by his consideration of allegations on account of which Appellant was not disciplined, hence, not provided opportunity for refutation, Chief Laing testified that both his credibility determination and also conclusion would be identical regardless of any [redacted] and, for the reasons set forth above, the hearing officer finds such assertion credible and supported by the evidence of this particular incident.

Appellant raises "due process" defenses, arguing that the first charge set forth in the Notice of Discharge is "indecipherable" and "nonsensical." The hearing officer does find that this "first" charge is somewhat inartfully worded and difficult to interpret, at least separate and apart from the second charge. Essentially the first charge alleges that Appellant re-visited the [redacted] residence off-duty but "under cover of law" resulting in the [redacted] trust that the visit was official and ensuing embarrassment when Appellant acted unprofessionally. Read with the second charge, it is reasonably evident that the Department deemed violative of its policies and Code of Conduct what was found to be Appellant's abuse of the authority of his office to attempt to secure an intimate or dating relationship with [redacted]

The hearing officer finds Appellant's position with respect to the "on duty"/"off duty" issue somewhat unclear. At times it appears that Appellant is contending that in revisiting the [redacted] he was acting as an individual, not a deputy; yet, Appellant also contends that it was mere happenstance that the "first revisit" occurred off-duty and advised Sgt. Bracken that, even though he was off-duty, "he was only acting in his position as a deputy sheriff…to provide extra help to a citizen that needed it." "He acted as if the visits were associated with his employment as a deputy sheriff."

Appellant also argues that the Notice of Discharge does not suffice to support a hearing officer determination based upon findings reliant upon facts: (i) that [redacted] was a "vulnerable" person with a [redacted]; (ii) that Appellant "took advantage" of a vulnerable person or family; (iii) that while driving [redacted] in his car Appellant "stated words to the effect of wanting to be in a romantic situation with [redacted] and; (iv) that Appellant "had a bad intent" for re-contacting the [redacted] family (wanting to take advantage of their vulnerable situation to start an inappropriate relationship with [redacted]. All of these aspects of the "totality of circumstances" reviewed and considered by Chief Laing, Appellant contends, are "beyond the certified issues for the Commission to decide pursuant to Civil Service Commission Rule 18.02C. See Appellant's post-hearing brief pp. 22, 26-27, 31, 37.[15]

Civil Service Rule 18.02C in pertinent part provides that:

> "The commission may not consider any information or charges made by the appointing power unless they are contained in the letter of discharge.....unless such information or charges were not then known and could not reasonably have been expected to be known by the appointing power ..."

It is true that the August 1, 2011 Notice of Discharge does not specifically state: that [redacted] had a [redacted] that [redacted] or her family were vulnerable, that Appellant "took advantage" of the [redacted] family or any of them, that while driving with [redacted] in his personal car Appellant used words to the effect of wanting to be in a romantic relationship with [redacted] or that Appellant had a "bad intent" for re-contacting the [redacted] family "off duty." Nevertheless, the Notice of Discharge

[15] Appellant's counsel's zealous representation even extends to the point of contending that "even if [Appellant] did touch [redacted] as alleged, doing so is not a violation of the policy sections stated, especially if, as [redacted] claims, she did not tell him to stop. Etc. The conduct is very benign in nature..." The hearing officer disagrees. As did Chief Laing, the hearing officer finds that such conduct with an individual as vulnerable as [redacted] is "alarming." See, e.g., International Assoc. of Chiefs of Police, Executive Guide, "Addressing Sexual Offenses and Misconduct by Law Enforcement," noting foci of concern, inter alia, on "unnecessary call backs" ("contacts/actions taken by officers for personally and/or sexually motivated reasons") and "vulnerable populations who lack power and are often perceived as less credible (e.g....those with .. [redacted]."

does specifically recount: that Appellant encountered the [redacted] on November 23, 2009 when responding to a call regarding a "family disturbance;" that Appellant told [redacted] he wanted to have a 'romantic relationship" with her, and; that the Department viewed Appellant's "off-duty" conduct vis a vis the [redacted] to be "immoral conduct" comprised, among other things, of inappropriate touching (including touching her thigh, touching her breast, and repeatedly trying to hug her as she pushed him away) and inappropriate comments concerning [redacted] Additionally, Appellant admits that as part of the "Skelly packet" he was provided with the Internal Affairs Bureau Investigative Summary introduced into the record as Appellant's Exhibit T which, at page 1, specifically identifies [redacted] as being [redacted] and, in fact, feeling "compelled to go with subject Guerrero [when he invited her to breakfast] because she is [redacted] and wanted her parents to believe she was trying to get better;" further, that she was diagnosed as [redacted] in 2004 and has been [redacted] The Investigative Summary supplied to Appellant further recounts the allegation that, while driving [redacted] in his car and touching her on the head, neck and upper thigh, Appellant told [redacted] "he wanted to be with her" and failed to stop at two park locations because, as he told her, "they were not private enough."

The Report further reviews the circumstances that during Appellant's off-duty contact with [redacted] on November 23, 2009 [redacted] was not wearing underwear, was emotionally distraught to the point that Appellant admitted he was concerned for her welfare when she left the house for his car and then went down the street, and that [redacted] was afraid of Appellant. Also, the Report recites [redacted]'s account that she had believed that Appellant "was going to help her [redacted] because he was a 'policeman' until her [redacted] disclosed the reason she did not want to go walking in Long Beach with Appellant on November 24, 2009, that is, that Appellant had "touched her." Finally, the Report notes that on November 23, 2009 the elder [redacted] were

"concerned" about the manner in which their daughter [redacted] had handled a knife while speaking to them.

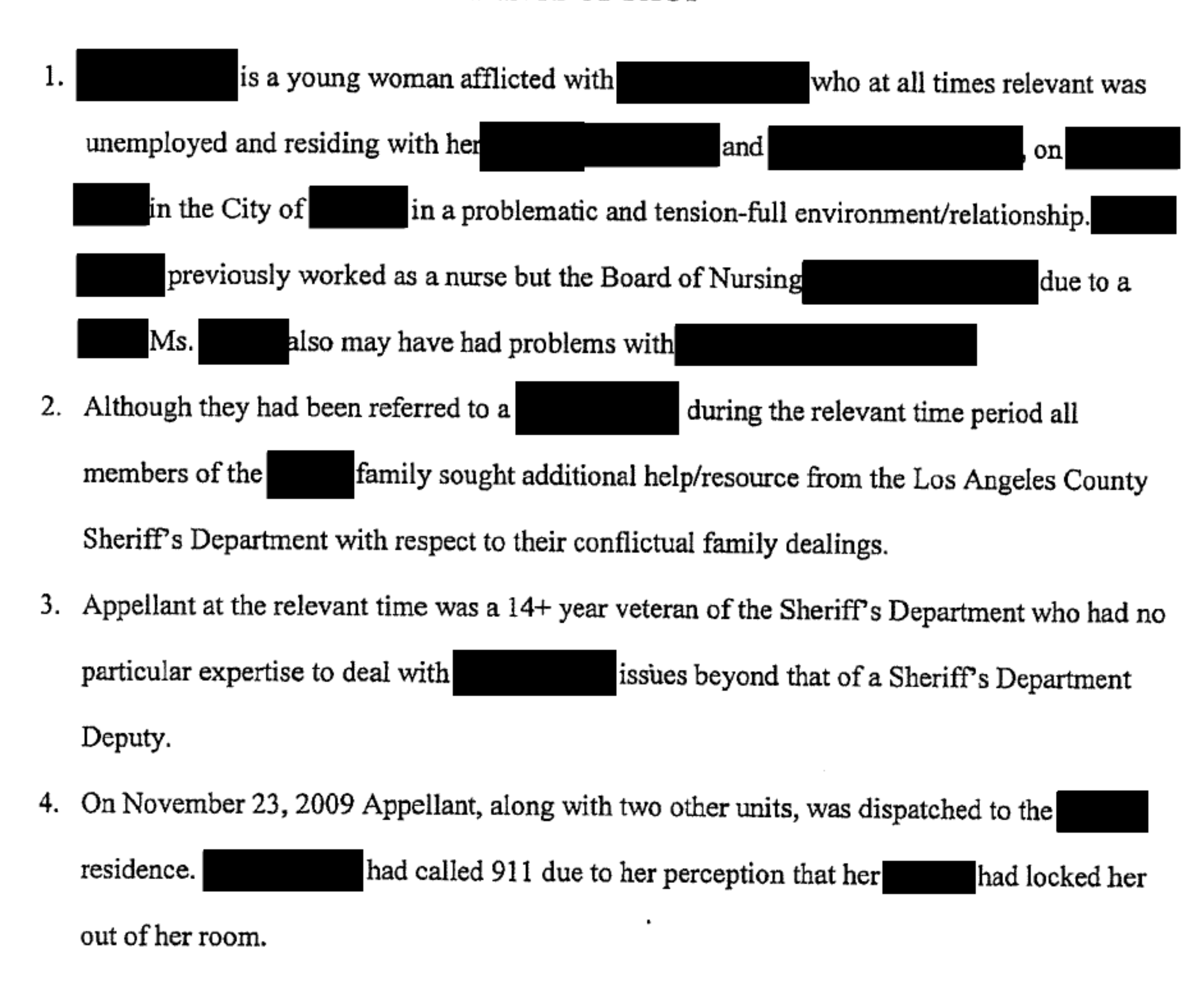
Finally, the Report remarks on Appellant's own comment during interview, that "it appeared to him that the family felt he was 'the answer to their prayers'" and that as he left their house on November 23, 2009 [redacted] and her [redacted] (who also disclosed family personal problems) each held onto him on one of his arms.

At the hearing in this matter the Appellant introduced certified records pertaining to [redacted] criminal history, [redacted] and audio of additional 911 calls from seven different 911 calls from the [redacted] residence prior to the incident in question and also examined each of the [redacted] family concerning [redacted] and the difficulties the family has endured since [redacted] returned home to live with her [redacted] without employment, in or about late 2008.

Thus, the Notice of Discharge itself is reasonably understood as contending that Appellant returned to the [redacted] residence under the "mantle" of authority as a Deputy Sheriff but for immoral purposes of pursuing a sexual/romantic relationship with [redacted] The reference to the "family disturbance" call certainly is suggestive that, at best, the [redacted] are a "troubled" family. Moreover, Appellant certainly was on notice from his own direct experience, as well as the Skelly packet containing the IAB file, that the "trouble" derived from [redacted] suffering from a [redacted] and that at least [redacted] and her [redacted] seemed to perceive Appellant as "the answer to their prayers," thus placing him in a position, should he want to, to "unduly influence" or "take advantage of" them for personal reasons.

Given all of the foregoing, the hearing officer cannot find the Appellant in any way prejudiced by lack of clearer notice of, or the Department in any way estopped from reliance upon, the foregoing aspects of the factual circumstances identified in the Notice of Discharge. See, e.g., *Cooper v. Board of Medical Examiners* (1975) 49 Cal. App. 3d 931, cited in *Herrera v. County of Riverside*, 2012 Cal. App. Unpub. LEXIS 957 (copy attached).

FINDINGS OF FACT



1. [redacted] is a young woman afflicted with [redacted] who at all times relevant was unemployed and residing with her [redacted] and [redacted], on [redacted] [redacted] in the City of [redacted] in a problematic and tension-full environment/relationship. [redacted] [redacted] previously worked as a nurse but the Board of Nursing [redacted] due to a [redacted] Ms. [redacted] also may have had problems with [redacted]
2. Although they had been referred to a [redacted] during the relevant time period all members of the [redacted] family sought additional help/resource from the Los Angeles County Sheriff's Department with respect to their conflictual family dealings.
3. Appellant at the relevant time was a 14+ year veteran of the Sheriff's Department who had no particular expertise to deal with [redacted] issues beyond that of a Sheriff's Department Deputy.
4. On November 23, 2009 Appellant, along with two other units, was dispatched to the [redacted] residence. [redacted] had called 911 due to her perception that her [redacted] had locked her out of her room.

5. Appellant was first to arrive at the [redacted] residence on November 23, 2009 and the first to speak with [redacted] [redacted] emotionally distraught, narrated problems of her [redacted] locking her out of her room and her [redacted] wanting to get rid of her; [redacted] recounted problems experienced with [redacted] who was [redacted] particularly when she was off her meds, and on this particular occasion they had concerns about her handling of a knife while making a sandwich. For both Mr. and Mrs. [redacted] Mandarin is their first language and neither is totally fluent in English.

6. On November 23, 2009 after he got off shift Appellant returned to the [redacted] residence, offered the [redacted] his business card with his personal cell phone added, and accepted the [redacted] invitation to come into the house and talk over coffee. None of the [redacted] family had been expecting Appellant to return on this occasion. Appellant told Mr. [redacted] that he had returned to "make sure that everything was okay;" he told Mrs. [redacted] he was "there to help." Significant discussion ensued regarding [redacted]'s problems as perceived by her [redacted]—her sleeping excessively, not going out of the house, etc. [redacted] and her [redacted] understood Appellant to invite [redacted] out for coffee and breakfast; [redacted] offered Appellant some cash and reached for her purse and [redacted] ran out of the house to get into Appellant's car. [redacted] reported to [redacted] that Appellant and [redacted] had gone to breakfast, but later reported to him that they had not had breakfast but had returned and talked in the living room and that Appellant was expected to return about 8 AM the following day to take [redacted] for a walk in Long Beach. Appellant and [redacted] were gone from the [redacted] residence for approximately 20 minutes. [redacted] was trying to encourage a friendship between [redacted] and Appellant "so that [redacted] would have someone to talk to."

7. After alerting Mr. and Mrs. [redacted], Appellant went after [redacted] who had gone several houses down the street. He followed her in his vehicle and then invited her into the car, suggested they find a place to park and talk, and then, finding none, returned to the house via [redacted] where there is a park. While in the car Appellant engaged [redacted] in conversation, discussing her prior relationships and situation with her [redacted] When [redacted] told Appellant that due to her [redacted] no one would want to be in relationship with her, Appellant responded that he would. He stroked her hair, touched her left leg and interlaced his fingers with hers. [redacted] was stunned.

8. After returning to the house Appellant once again went into the house, seated himself on the couch by [redacted] and engaged in further discussion about "helping." He also repeatedly attempted to hug her and when she pushed him away his hand touched her breast. Alarmed, [redacted] excused herself to go to the restroom. When she returned Appellant was speaking with [redacted]. [redacted] urged [redacted] to offer Appellant her cell number and Appellant accepted [redacted]s cell number and received a hug from [redacted] as he left. When Appellant left the [redacted] residence on this occasion both [redacted] and her [redacted] were of the understanding that he would return the following morning to take [redacted] for a walk in Long Beach. [redacted] reported this to her [redacted] who delayed his departure for work that day to be able to thank Appellant while telling him [redacted] did not want to go out with him.

9. After his departure from the [redacted] residence on November 23, 2009 Appellant initiated and engaged in "texting" discussion with [redacted]. Among other things, he referred to himself as her "deputy friend" and also texted her the following comment: "I would very much like to know what your thing is."

10. Late on November 23, 2009 [redacted] told her [redacted] that she did not want to go out with Appellant the next day as planned. [redacted] did not want to go out with Appellant because, while they were in his car, [redacted] perceived that Appellant touched her in an inappropriate manner while telling her, in response to her plaint that no one would want to be with her, that he would like to be with her; additionally, [redacted] was troubled by his efforts to hug her on the couch and what she perceived as a deliberate touching of her breast when she tried to push him away.

11. On November 24, 2009, [redacted] had to leave for work before Appellant arrived, so [redacted] was the one who thanked Appellant and told him [redacted] did not want to see him.

12. On November 24, 2009, Appellant drove from home to the [redacted] residence (about 30 minutes) to pick up [redacted] to go to Long Beach.

13. [redacted] chided her [redacted] for pressuring her to develop a relationship with Appellant: "You keep sending someone to hurt me, let me tell you what happened." [redacted] reported the inappropriate touching to her [redacted] who believed what [redacted] said. [redacted] felt remorseful for pressuring [redacted]

14. [redacted] decided to file a complaint with the Sheriff's Department because she believed Appellant touched her inappropriately during his second visit on November 23, 2009, both in the car after he followed her down the street and then drove her onto [redacted] and then home, and also after they returned to the house; also because she was fearful of his return to the house. [redacted] delayed filing due to her uncertainty that people would believe her, but she always believed Appellant to have had an improper intent in his dealings with her November 23-24, 2009. [redacted] reported to Sgt. Casey of ICIB that, while driving in

Appellant's car, Appellant stroked her hair and touched her upper left thigh and that later at her house while seated on the same couch as she, he attempted repeatedly to hug her and, as she pushed him away, he touched her breast in a "lingering" manner with his hand. [redacted] told Sgt. Casey that she had agreed to go to breakfast with Appellant in effort to demonstrate to her parents that she was trying to get better, i.e., to heal herself, and that she was [redacted] told Sgt. Casey that they did not go to breakfast but that they drove around while she was wearing no bra, no underwear and no socks.

15. Sgt. Casey also interviewed [redacted] who expressed concerns over [redacted] not [redacted] and also concerns that she might hurt herself. Appellant declined to be interviewed by Sgt. Casey.

16. [redacted] concluded from the course of events November 23-24, 2009 that Appellant's intention was not to help the family. As a consequence of Appellant's inappropriate conduct vis a vis [redacted] and the [redacted] family, the members of the [redacted] family lost confidence in the Department.

17. At no time did Appellant provide the [redacted] with any referral information for professional help in dealing with family problems relating to [redacted].

18. The preponderance of the evidence indicates that, at best, Appellant exercised extremely poor judgment in his repeated returns to the [redacted] residence, his engaging [redacted] and her [redacted] to the extent that [redacted] in her obviously vulnerable state and her [redacted] in her desperate state predictably perceived Appellant to have a personal/romantic interest in [redacted] and to be pursuing that interest via his visits, time spent "talking" about matters personal to [redacted], friendly texts and suggestions for social activities, etc.; at worst, Appellant pursued a

deliberate plan to abuse his position and authority as a deputy sheriff to develop an inappropriate personal relationship with [redacted].

[redacted]

CONCLUSIONS

1. In returning to the [redacted] residence several times November 23-24, 2009 following his initial on-duty response to [redacted]'s call for service, Appellant exercised poor judgment which led to a breach of the trust which the [redacted] family had reposed in the Sheriff's Department and a deterioration in the relationship between the Sheriff's Department and the [redacted] family as members of the public served by the Department.
2. In his actions on returns to the [redacted] residence following his initial response to service call on November 23, 2009, Appellant continued to act "under color" of the trust which the [redacted] reposed in him as an officer with the Los Angeles County Sheriff's Department, but was motivated by interest in developing a personal relationship with [redacted] as indicated in his failure to report these visits to the Sheriff's Department notwithstanding the [redacted] reported concern over [redacted] handling of a knife on November 23, 2009.
3. At best Appellant acted recklessly in pursuit of a personal relationship with [redacted] given his knowledge of [redacted], the emotionally fraught

relationship between herself and her [redacted] who wanted her to leave their home, and his own lack of professional expertise in [redacted]. As an officer with the Sheriff's Department Appellant was required to be more circumspect in his dealings with particularly vulnerable members of the public served. At worst Appellant ruthlessly abused the trust placed in him by the [redacted] family, particularly due to [redacted] vulnerability, to pursue a more intimate relationship with [redacted] for purely personal gratification.

4. Whether or not Appellant was motivated in part by a desire to express empathy with [redacted] or her [redacted] Appellant went "over the line" of propriety in the manner in which he engaged [redacted] by indicating, both verbally and also physically, an interest in pursuing a personal relationship with her.

5. Appellant manifested such interest to [redacted] and her [redacted] by his return following official visit on November 23, his inviting [redacted] out to coffee/breakfast, his following [redacted] with his car and driving her while engaging her in conversation about her relationships, his touching her repeatedly in suggestive manner (hair, thigh, breast), providing his cell number, accepting her cell number, making a date to walk on the beach the following day, and texting her as her "deputy friend" expressing serious interest ("I would like very much…") in getting to know her, and returning to pick her up to go to the beach on November 24, 2009.

6. While Appellant denies any inappropriate interest in [redacted] and insists that he returned only to tell the [redacted] he could not help them, Appellant's own testimony as to his alleged concerns to "terminate" his personal relationship with [redacted] underscore the inappropriateness of his prior actions vis a vis [redacted]

7. A substantial majority of the allegations contained in the Department's letter of September 7, 2011 are true.

8. The Department has met its burden to establish that Appellant violated Manual of Policies and Procedures Section 3-01/000.10 Professional Conduct ("Personnel who cause undue embarrassment or damage the reputation of and/or erode the public's confidence in the Department shall be deemed to have violated this policy") and Manual Policy and Procedures Section 3-01/030.05 General Behavior ("A member shall not act or behave privately or officially in such a manner as to bring discredit upon himself or the Department").

9. The Department's decision to discharge Appellant from employment was reasonable and appropriate under the circumstances of this case.

RECOMMENDATIONS

It is recommended that the Commission adopt the following Order: The appeal of Appellant is denied.

Dated: December 18, 2012

Respectfully submitted,

Linda S. Klibanow
Hearing Officer



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

September 7, 2011

Deputy Salvatore Guerrero, [redacted]

Dear Deputy Guerrero:

On August 1, 2011, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2256660. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on September 7, 2011.

An investigation under File Number IAB 2256660, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General behavior; on or about November 23, 2009 through November 24, 2009, while on duty, you went to the personal residence of the [redacted] family responding to a call for family disturbance. Later that same day and the following day, while off-duty, you went to the same residence, allegedly in your "unofficial" capacity. However, you could not have gone there in your "unofficial" capacity since your prior contact with the [redacted] (only a few hours earlier) was in your official capacity, resulting in reliance by the [redacted] that your contact was official, thereby causing embarrassment to the Sheriffs Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General behavior; and/or 3-01/030.07, Immoral Conduct, on or about November 23, 2009 through November 24, 2009, while off duty, you engaged Ms. [redacted] in a personal conversation, and/or inappropriately touched her, and/or made inappropriate comments, and/or sent her text messages, evidenced by but not limited to:

   a) driving out to Ms. [redacted] residence and asked Ms. [redacted] to have breakfast with you, and/or;

   b) driving Ms. [redacted] in your personal vehicle to several different locations where you held her hand interlocking fingers, touching her head, neck, thigh and knee area, and/or;

   c) telling Ms. [redacted] that you wanted to have a "romantic situation" with her, and/or;

   d) returning to Ms. [redacted] residence you sat next to her on the couch, and attempted to hug her on three separate occasions as she pushed you away, and/or;

   e) touching Ms. [redacted] breast with your hand on top of her clothing as you were hugging her and/or;

   f) later in the afternoon of November 23, 2009, you initiated and had an exchange of text massages with Ms. [redacted] and or;

   g) returning the foll[redacted]rning (November 24, 2010) to the residence of Ms [redacted] and/or on that occasion you were informed by Ms [redacted] mother that "she don't want to go out".

Your actions and behavior during this incident are similar to your prior disciplinary history. Your conduct is completely contrary to this Department's Core Values, Mission and Creed and as a deputy sheriff, they simply can't be tolerated. You have brought discredit and embarrassment upon yourself and the Sheriff's Department.

Thus, you failed to conform to the work standards established for your position as a deputy sheriff. Moreover, your actions during this incident are in direct conflict with this Department's Core Values, Mission and Creed.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

THOMAS M. LAING, CHIEF
FIELD OPERATIONS REGION III

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

TML:JMG:md

c: Advocacy Unit
David E. Halm, Captain, Walnut/Diamond Bar Station
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration
(File # IAB 2256660)